

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

RENETTO, LLC,

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Plaintiff,

*

v.

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Civil Action No. 1:07CV789A

**PROFESSIONAL SALES AND
MARKETING GROUP, INC.,**

*

*

Defendant.

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DECLARATION OF STEVEN TINTO

I, Steven Tinto, declare as follows:

1. I am over the age of eighteen, I have personal knowledge of the matters stated herein, and I am therefore competent to make this declaration.
2. I, along with Paul Robinette and David Reeb, am a partner in Renetto, LLC (“Renetto”), a product design and development company.
3. Reeb and Robinette are the inventors of the Canopy Chair (U.S. Patent Application No. 2007/0040422), a lightweight, portable chair made of high-strength nylon and a steel frame, and Renetto owns the right to manufacture, market, sell, and relicense the Canopy Chair.
4. On or about May 1, 2007, SwimWays, Reeb, Robinette and I settled on terms for an exclusive licensing agreement (the “Agreement”) whereby SwimWays would own all rights in and to the Canopy Chair. In partial consideration SwimWays pays a royalty for sales of the Canopy Chair directly to Renetto LLC. Renetto LLC also retained the rights to sell the canopy chair directly to end consumers.
5. PSM’s continuing unauthorized sales of the Canopy Chair have caused damage to Renetto as measured by lost sales to SwimWays and price erosion, both of which have reduced the royalties

payable to Renetto. As well these continued unauthorized sales on PSM's part have caused additional damage to Renetto as measured by lost sales to direct end consumers and price erosion to said consumers.

6. The attached Commission Reports sent to Renetto from PSM indicate commissions due on Canopy Chairs sold by PSM through their distributors, which include national retailers such as Sears, Kmart and BJ's Wholesale Club that have store locations in Virginia and also by local retailers such as Garden Ridge, which is located throughout the Southeast, including several locations in Virginia.

7. Garden Ridge in particular has two Virginia locations at 1517 Sams Circle, Chesapeake, VA, and 401 International Centre Drive, Sandston, VA. On October 19, 2007, I personally called the purchasing manager at the Garden Ridge Chesapeake location and verified that they had been stocking the Canopy Chair but were currently sold out.

* * * * *

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my present knowledge.

Respectfully submitted this 25th day of October, 2007.

By: _____

Steven Tinto

A handwritten signature in black ink, appearing to read 'Steven Tinto', is written over a horizontal line. The signature is stylized with a large 'S' and a long, sweeping stroke that extends to the right.

Commission Report for Renetto, LLC
Date: 4/20/07



Client	REP	Commission	Pcs	Ext Commission	Notes
Sears / KMART	Renetto				
Canopy Chairs		\$2.00	6,704	\$13,408.00	
Totals				\$13,408.00	
BJ's	Renetto				
Canopy Chair		\$2.00	14,400	\$28,800.00	
Totals				\$28,800.00	
Nebraska Furniture	Renetto				
Canopy Chair		\$3.00	900	\$2,700.00	
Totals				\$2,700.00	
				22,004	\$44,908.00

Commission Report for Renetto, LLC
Date: 5/22/07



Client	REP	Commission	Pcs	Ext Commission	Notes
Sears / KMART	Renetto				
Canopy Chairs		\$2.00	7,252	\$14,504.00	
Totals				\$14,504.00	
BJ's	Renetto				
Canopy Chair		\$2.00	8,640	\$17,280.00	
Totals				\$17,280.00	
Garden Ridge	Renetto				
Canopy Chair		\$3.00	3096	\$9,288.00	
Totals				\$9,288.00	
Atwoods	Renetto				
Canopy Chair		\$3.00	1440	\$4,320.00	
Totals				\$4,320.00	

20,428 \$45,392.00

Commission Report for Renetto, LLC
Date: 2/26/2007



Client	REP	Commission	Pcs	Ext Commission	Notes
Sears / KMART	Renetto				
Canopy Chairs		\$2.00	3,304	\$6,608.00	
Totals				\$6,608.00	
HOB	Renetto				
Canopy Chair		\$3.00	780	\$2,340.00	
Totals				\$2,340.00	
Meijer	Renetto				
Canopy Chair		\$3.00	2400	\$7,200.00	
Totals				\$7,200.00	
Garden Ridge	Renetto				
Canopy Chair		\$3.00	1548	\$4,644.00	
Totals				\$4,644.00	
OBO	Renetto				
Canopy Chair		\$3.00	1540	\$4,620.00	
Totals				\$4,620.00	
Price Chopper	Renetto				
Canopy Chair		\$3.00	1440	\$4,320.00	
Totals				\$4,320.00	
Westlake	Renetto				
Canopy Chair		\$3.00	1500	\$4,500.00	
Totals				\$4,500.00	

12,512 \$34,232.00